

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: CHARLES WATKINSON

ART UNIT:

SERIAL NO.:

EXAMINER:

FILED:

P.C.T. APPLICATION NO.: PCT/GB2004/005457

P.C.T. INTERNATIONAL FILING DATE: DECEMBER 29, 2004

PRIORITY CLAIM: DECEMBER 30, 2003

TITLE: FORMATION OF GLASS FLAKES

PETITION TO REVIVE ABANDONED APPLICATION
UNDER THE PROVISIONS OF 37 C.F.R. §1.137(b)

Hon. Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant respectfully petitions the Commissioner for Patents to revive the above-identified P.C.T. international patent application as to the United States designation, pursuant to 37 C.F.R. §1.137(b), on the ground that such patent application was unintentionally abandoned (*i.e.*, the entire period of delay in meeting the outstanding requirements due by the 30th-month following Applicant's priority claim for eventual entry into the U.S. National Phase of the above-identified P.C.T. application was unintentional), as a

result of an unintentional delay on the part of the undersigned's British patent associate, as explained in the accompanying *Statement* by U.K. Chartered Patent Agent Michael R. Harrison, in advising the undersigned to enter the U.S. National Phase by the 30th-month deadline of June 30, 2006.

The above-identified P.C.T. international application, designating the United States, was filed on December 29, 2004, and validly claimed foreign priority on the basis of a patent application filed in the United Kingdom on December 30, 2003.

The above-identified P.C.T. international application was, therefore, due for entry into the U.S. National Phase thirty (30) months from the claimed priority date, or by June 30, 2006. Thus, the above-identified patent application went "abandoned" after June 30, 2006, when the U.S. National Fees were not paid for entry into the United States National Phase.

In support of this *Petition to Revive*, the undersigned attorney-of-record hereby states that Applicant is entitled to claim Small Entity status and Applicant hereby submits:

1. The *Petition to Revive* fee of \$750.00 (small entity) is being concurrently remitted via EFT; and,
2. A proposed response to the outstanding requirement is concurrently submitted via EFS, as follows:

(a) Copy of *P.C.T. Application No. PCT/GB2004/005457*, filed December 29,

2004, and designating the United States;

(b) Copy of the *International Search Report* prepared by the European Patent Office;

(c) Copy of the *International Preliminary Examination Report on Patentability* prepared by the ISA/EP;

(d) Copy of Applicant's priority application, *i.e.*, United Kingdom Patent Application No. 0330146.2, filed December 30, 2003, as obtained from the World Intellectual Property Organizations' P.C.T. website;

(e) The following U.S. National Stage filing fees are being concurrently remitted via EFT:

(i) Basic National Stage Fee of \$150.00 (small entity);

(ii) National Stage Search Fee of \$200.00 (small entity), with a copy of the International Search Report, prepared by the ISA/EP, being concurrently filed via EFS:

(iii) National Stage Examination Fee of \$100.00 (small entity); and,

(iv) Surcharge of \$65.00 (small entity) for the eventual submission of a Declaration executed by Applicant that must necessarily be filed more than 30 months after the claimed priority deadline; and,

(f) Preliminary Amendment.

An EFT is therefore being concurrently remitted in the amount of \$1,265.00 to cover the totality of the foregoing fees.

A Declaration executed by Applicant and an Information Disclosure Statement will be filed in due course.

With the concurrent submission of the foregoing documents and EFT for the foregoing fees, Applicant respectfully submits that all outstanding requirements for meeting the statutory 30th-month deadline, which expired after June 30, 2006, have now been satisfied.

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney, *Account No. 19-0450*, for any additional fees which may be due in connection with the prosecution of the above-identified patent application, but which have not otherwise been provided for.

Accordingly, Applicant respectfully submits that all outstanding requirements for meeting the statutory 30th-month deadline for eventual entry of the above-identified P.C.T. international application into the U.S. National Phase are now satisfied.

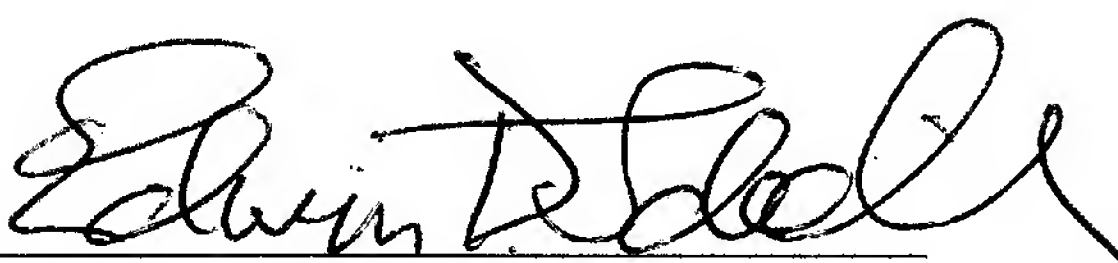
I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this petition is directed.

It is, therefore, respectfully submitted that the above-identified patent application should be held as being "unintentionally" abandoned (*i.e.*, that the entire period of delay in meeting the requirements due by the 30th-month deadline for eventual entry of the above-identified P.C.T. international application into the U.S. National Phase was unintentional) for the reasons specified herein, and revived under 37 C.F.R. §1.137(b), and that prosecution of the above-identified P.C.T. international application should be resumed and accepted into the U.S. National Phase for an eventual national patentability examination.

Such favorable action is respectfully requested and earnestly solicited.

Respectfully submitted,

CHARLES WATKINSON

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August 26, 2006

STATEMENT

I, Michael Robert Harrison, of 22 The Grange Road, Leeds LS16 6HA, United Kingdom, hereby state as follows

- 1) I am a qualified European Patent Attorney and I have recently taken over representation for all intellectual property matters of Corrocoat Ltd and its subsidiary company, Glassflake Ltd
- 2) Charles Watkinson is the Managing Director of Corrocoat Ltd and the inventor in respect of the invention which is the subject of PCT (International) Patent Application No PCT/GB2004/005457 filed 29 December 2004 and published as WO 2005/063637 on 14 July 2005
- 3) I have just discovered that this PCT application has gone past its 30 month deadline (which was 30 June 2006) for going into the national phase without anything having been done. I know the intention of Glassflake was that entry should be made into the USA. It could be that there was some confusion because the International Search results were delayed and in fact it is their arrival which has alerted me to the missing of the 30 month deadline
- 4) I therefore respectfully request that Mr Watkinson be permitted to effect late entry into the national phase in the USA of the above-mentioned PCT Patent Application.

Signed by



M R Harrison

on date

